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Readings in the Common Law

Paul L. Sayre

Indiana University School of Law

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READINGS IN THE COMMON LAW*

This is a book which every beginning law student should have and which every practicing lawyer should have unless it happens that he is already possessed of a number of other books from which he could obtain the same materials and the same information. Even though a lawyer had such a library of other books, it is likely that he would want this one in addition because it presents the material in a usable and convenient form. The arrangement and the analysis are helpful apart from the content of the materials themselves.

If it were only for the admirable translations, the book would be of great use since it contains the best translations which are now available and in addition gives excellent original translations of the Writ of William I separating spiritual and temporal jurisdictions in the One Hundred court and the Constitutions of Clarendon. It would be a very rare lawyer indeed who had all the books from which the materials are collected for this book. The chapters deal with the following matters: I. *Fundamental Conceptions*, which considers the various theories of law and justice and which differentiates law from morals and from other forms of social control. II. *History of the Common Law*, in which the history of the common law is, of course, presented very briefly but nevertheless in an accurate, helpful and schol-

**Readings on the History and System of the Common Law* (3d ed.). By Roscoe Pound and Theodore F. T. Plucknett. Lawyers Co-operative Publishing Company, Rochester. 1927. Pages xx, 731. Price \$5.00.

arly manner since it is handled through extracts from the sources themselves or through the commentaries of the best writers on the different periods and phases of the common law. III *Sources and Forms of Law*, which deals with legislation, judicial decisions and books of authority in so far as they contribute to the common law. IV. *The Common Law in America*, in which the characteristics of American common law as differentiated from the common law of England are indicated. V. *Courts: their Organization and Jurisdiction*, in which the functions of the courts in enforcing the law are indicated. VI. *Common-Law Actions*, which contains a discussion of the formal adjective law that formerly obtained in England and that still survives in most of the United States. VII. *The Elements of Procedure*, which explains the difference between law and equity. VIII. *Rights*, in which the so-called legal right as differentiated from the legally unrecognized interest is explained. IX. *Persons*, in which the different capacities of classes of persons such as married women, aliens, infants, etc. are differentiated and considered. X. *Acts*, which deals with the act as a legal concept and considers its effect upon legal relations and the creation of jural relations. XI. *Obligations*, which deals with contracts and other forms of legal obligations. XII. *Property*, which considers different kinds of legally recognized interests that now obtain in personal and real property.

This book is so arranged that it may be undertaken by one who has not yet had much legal training and who wishes to use it in an introductory way. It may also be used with great profit by the student at any stage of his legal work and by the practicing lawyer or the teacher for personal reference in his regular work. One has only to read some of the current articles in the legal periodicals to reflect that many principles which have been fully set forth hitherto have been so far neglected or ill-considered that they are now fixed upon as appropriate for original articles. The profession reads these articles as if their content were entirely new. Under the circumstances this is quite fitting and much to be desired. One must consider, however, that since the doctrines involved have been clearly set forth in previous writings, it may be thought extraordinary that their significance had not been recognized before. The reviewer ventures to think that if law students and lawyers made a practice of more or less daily reading in this book or other writings on the history and system of the common law, it would not be necessary specifically to expound the application of particular doctrines, the significance of which should be known to all.

The third edition which is now printed comes at a most opportune time. The second edition, published in 1913, covered much the same ground but there is not as much material and it does not contain many of the valuable translations and excerpts which appear in the 1927 edition.

The form of the book and its arrangement are conducive to interesting reading and intelligent assimilation. In its binding and its printing, the book is pleasant to use. It is hoped that

there will be wide use of this book by law students and practicing lawyers.

PAUL L. SAYRE.

Indiana University Law School.